

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

AARON L. JONES, SR., *et al.*,

Plaintiffs,
v.

Civil Action 2:20-cv-3301
Judge Sarah D. Morrison
Magistrate Judge Elizabeth P. Deavers

MIKE DEWINE, *et al.*,

Defendants.

ORDER AND REPORT AND RECOMMENDATION

On December 29, 2021, in light of recently-discovered information regarding Plaintiff's Application to Proceed *In Forma Pauperis*, ECF No. 14, the Undersigned issued an Order and Report and Recommendation, recommending in relevant part that Plaintiff's Application to Proceed *In Forma Pauperis* be denied; that Plaintiff be required to pay the entire \$402 filing fee within thirty (30) days of an Order adopting the Undersigned's Report and Recommendation; and that Plaintiff be notified that his failure to pay the full fee within thirty (30) days will result in the dismissal of the action. (ECF No. 50.)

On January 10, 2022, Plaintiff filed Petitioner, Aaron L. Jones Sr.'s Response/Objection to the Decision from December 30th 2021 (the "Objection"). (ECF No. 51.) Upon review of the Objection, the Undersigned has confirmed that Plaintiff has paid the Court a total of \$422.31 in filing fees for this matter. Accordingly, the Undersigned **AMENDS AND CLARIFIES** the prior Order and Report and Recommendation, ECF No. 50, to the extent that it is hereby **LIMITED** to the recommendation that the Court deny Plaintiff's Application to Proceed *In Forma Pauperis*, ECF No. 14, for the reasons discussed in the Report and Recommendation.

Should the Court adopt the Report and Recommendation, the Undersigned **FURTHER RECOMMENDS** that the Court direct the Clerk to reimburse Plaintiff in the amount of **TWENTY DOLLARS AND THIRTY-ONE CENTS (\$20.31)**, which would represent the amount Plaintiff would have paid in excess of the applicable \$402.00 filing fee. Alternatively, should the Court overrule the Report and Recommendation, the Undersigned **FURTHER RECOMMENDS** that the Court direct the Clerk to reimburse Plaintiff in the amount of **SEVENTY-TWO DOLLARS AND THIRTY-ONE CENTS (\$72.31)**, which would represent the amount Plaintiff would have paid in excess of the applicable \$350.00 filing fee.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, it may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed,

appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

IT IS SO ORDERED.

Date: January 12, 2022

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE